TRIVELLA, FORTE & SMITH, LLP
Attorneys for the Defendants
1311 Mamaroneck Avenue, Suite 170
White Plains, New York 10605
(914) 949-9075

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK DISTRICT COUNCIL OF CARPENTERS PENSION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS WELFARE FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS VACATION FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS ANNUITY FUND, NEW YORK CITY DISTRICT **COUNCIL** OF **CARPENTERS** APPRENTICESHIP. **JOURNEYMAN** RETRAINING. EDUCATIONAL AND INDUSTRY FUND, NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS CHARITY FUND, by their Trustees Michael J. Forde and Paul O'Brien and NEW YORK CITY AND VICINITY CARPENTERS LABOR-MANAGEMENT CORPORATION.

Plaintiffs,

-against-

KW CONSTRUCTION, INC., as Successor to K W GENERAL CONTRACTOR, INC. and JOHN WHYTE d/b/a KW CONSTRUCTION, INC., and JOHN WHYTE, individually,

Defendants.

SIRS:

Pursuant to Rule 7.1 [formerly local general Rule 1.9] of the Local Rules of the United States

District Court for the Southern District of New York and to enable Judges and Magistrate Judges of

the Court to evaluate possible disqualification or recusal, the undersigned counsel for the

Case Number: 07-CV-8008 (RJS)

**RULE 7.1 STATEMENT** 

Defendants, KW CONSTRUCTION, INC. i/s/h/a KW CONSTRUCTION, INC., as Successor to K W GENERAL CONTRACTOR, INC. and JOHN WHYTE d/b/a KW CONSTRUCTION, INC., and JOHN WHYTE, individually, certifies that the following are corporate parents, affiliates and/or subsidiaries of said parties which are publicly held.

## NONE.

Dated: White Plains, New York November 26, 2007

Yours, etc.,

VRIVELLA, FORTE & SMITH, LLP

BY: RAQUEL A. WILLIAMS, ESQUIRE (RW 4641)

Attorneys for the Defendants 1311 Mamaroneck Avenue, Suite 170 White Plains, New York 10605 (914) 949-9075

To: BRIAN O'DWYER, ESQ.
O'DWYER & BERNSTEIN, LLP
Attorneys for the Plaintiffs
52 Duane Street
New York, New York 10007
(212) 571-7100

AFFIDAVIT	OF SERVICE BY MAIL	
A		

STATE OF NEW YORK )

COUNTY OF WESTCHESTER )

MICHELLE SALERNO, being duly sworn, deposes and says:

That I am not a party to this action; am over 18 years of age and reside in Westchester County, New York; that on the Anthony day of November, 2007, I served the within RULE 7.1 STATEMENT in the action The New York District Council of Carpenters et al. v. KW Construction Inc. et al., 07-CV-8008 (RJS) upon:

BRIAN O'DWYER, ESQ.
O'DWYER & BERNSTEIN, LLP
52 Duane Street
New York, New York 10007

by depositing a true copy of the same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

MICHELLE SALERNO

nto before me this

**½**ray of November, 2007.

Notary Public RAQUEL A. WILLIAMS Notary Public, State of New York No. 02WI6072574

Qualified in Westchester County Commission Expires April 8, 2010

## **CERTIFICATE OF SERVICE**

HY: RAQUEL A. WILLIAMS, ESQUIRE (RW 4641)

Attorneys for the Defendants

1311 Mamaroneck Avenue, Suite 170

RIVILLA FORTE & SMITH LLP

White Plains, New York 10605

Telephone: (914) 949-9075